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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,086	06/25/2001	Aviad Zlotnick	ZLOTNICK=1	7417

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER	
PESIN, BORIS M	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/887,086	ZLOTNICK, AVIAD	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 05/06/2005.

Claims 1-42 are pending in this application. Claims 1, 18, and 25 are independent claims. In the amendment filed 05/06/2005 Claims 1, 18, and 25 were amended. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A method for evaluating verification of data by a human operator, comprising the steps of: presenting the data to the operator on a computer controlled display; measuring a time duration over which the operator interacts with the display in verifying the presented data; and evaluating the verification of the data by the operator responsive to the time duration." is non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable. The Examiner suggests changing the language to read, "A method executing on a computer for evaluating verification of data by a human operator, comprising the steps of: presenting the data to the operator on a computer controlled display; the computer measuring a time duration over which the operator interacts with the display in verifying

the presented data; and the computer evaluating the verification of the data by the operator responsive to the time duration."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 6, 7, 9, 18, 22, 25, 30, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) in view of Bull (US 6735574).

In regards to claim 1, Browning teaches a method for presenting the data to the human operator on a computer-controlled display (i.e. "Scanned textual data is processed with OCR technology and displayed for user verification.", Abstract). Browning further teaches a method where the operator verifies the presented data (i.e. "Scanned textual data is processed with OCR technology and displayed for user verification..", Abstract). Browning does not teach a method for evaluating the

verification of the data by the operator responsive to the time duration and a method for measuring a time duration over which the operator interacts with the display. Bull teaches, "One skilled in the art will appreciate that these reports could include reports to evaluate the average time worked and the average time spent on exceptions for an individual user or for a group of users." (Column 8, Line 56). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning with the teachings of Bull to include a method for measuring the interaction between an operator and a display with the motivation to increase efficiency.

In regards to claim 6, Browning and Bull teach all the limitations of claim 1. Browning further teaches a method to verify entire screen of the data (i.e. "Scanned textual data is processed with OCR technology and displayed for user verification..", Abstact). Bull further teaches a method for measuring a time duration over which the operator interacts with the display.

In regards to claim 7, Browning and Bull further teach the method wherein measuring the time duration over which the operator interacts with the display comprises measuring an interaction with a particular item on a screen of the data. (i.e. "One skilled in the art will appreciate that these reports could include reports to evaluate the average time worked and the average time spent on exceptions for an individual user or for a group of users." (Column 8, Line 56).

Claim 18 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 30 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 31 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claims 2, 3, 4, 5, 19, 20, 21, 26, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of Matsukawa et al. (US 6470336).

In regards to claim 2, Browning and Bull teach all the limitations of claim 1. Browning further teaches that the assigned codes, or characters (Abstract), are correct. They do not teach a method wherein presenting the data comprises displaying characters from a document to which codes have been assigned. Matsukawa teaches "characters to which the character codes are assigned are shown" (Column 14, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning and Bull with the teaching of Matsukawa with the motivation to provide for easier understanding (Column 14, Line 22).

In regards to claim 3, Browning, Bull, and Matsukawa teach all the limitations of claim 2. Browning further teaches a method wherein displaying the characters comprises displaying results of optical character recognition (OCR) processing. (i.e. "Scanned textual data is processed with OCR technology and displayed for user verification.", Abstract).

In regards to claim 4, Browning teaches a method wherein displaying the results comprises displaying together a plurality of characters which have been assigned the same code by OCR processing (i.e. "Scanned textual data is processed with OCR technology and displayed for user verification.", Abstract).

In regards to claim 5, Browning, Bull, and Matsukawa teach all the limitations of claim 2. Matsukawa further teaches a method wherein displaying the characters comprises presenting characters in the form of a word. (Since Matsukawa invention deals with the recognition of Japanese characters, each character is considered a word.)

Claim 19 is in the same context as claim 2; therefore it is rejected under similar rationale.

In regards to claim 20, Matsukawa teaches a method wherein the codes are determined by optical character recognition (OCR) processing of characters. (i.e. "characters to which the character codes are assigned are shown", Column 14, Line 21).

In regards to claim 21, Browning teaches presenting data for verification comprising a plurality of characters which have been classified by OCR processing as

having the same code (i.e. "Scanned textual data is processed with OCR technology and displayed for user verification.", Abstract).

Claim 26 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 27 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 28 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 29 is in the same context as claim 5; therefore it is rejected under similar rationale.

Claims 8, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of deCarmo et al. (US 6181339).

In regards to claim 8, Browning and Bull teach all the limitations of claim 1. They do not teach a method for monitoring use of a pointing device by the operator. deCarmo teaches that his, "system utilizes a method of monitoring location of the icon for the pointing device as moved by the user"(Column 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Browning and Bull with the teaching of deCarmo to include a method for monitoring the pointer with the motivation to provide for reducing confusion in attempting to select a desired button (deCarmo, Column 2, Line 17).

Claim 23 is in the same context as claim 8; therefore it is rejected under similar rationale.

Claim 32 is in the same context as claim 8; therefore it is rejected under similar rationale.

Claims 9 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) in view of Bull (US 6735574) further in view of Lorie (US 5933531).

In regards to claim 9, Browning and Bull teach all the limitations of claim 1. Browning and Bull do not teach a method wherein evaluating the verification of the data comprises assigning a confidence level to the data responsive to the time duration. Browning teaches "confidence is measured, by a suitable means, according to an arbitrary numerical scale normalized over the range 0-1000.", Column 5, Line 39). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning and Bull with the teachings of Lorie and include a system to assign a confidence level with the motivation to save time for the user because the user would only look at the data that is of low confidence.

Claim 33 is in the same context as claim 9; therefore it is rejected under similar rationale.

Claims 10 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) and Lorie (US 5933531) in view of Strub et al. (US 6563532).

In regards to claim 10, Browning, Bull, and Lorie teach all the limitations of claim 9. They do not teach a method wherein the confidence level is lowered as the time duration increases. Strub teaches that "as the confidence level decreases, the duration of time increases"(Column 87, Line 45). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Browning, Bull, and Lorie with the teaching of Strub to include a method for decreasing the confidence level as the duration of time increases with the motivation of increasing the likelihood of displaying content of interest (Strub, Column 87, Line 46).

Claim 34 is in the same context as claim 10; therefore it is rejected under similar rationale.

Claims 11, 12, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) and Lorie (US 5933531) and Strub et al. (US 6563532) in view of Burch (US 6295387).

In regards to claim 11, Browning, Bull, Lorie and Strub teach all the limitations of claim 10. They do not teach the method comprising effecting a corrective action responsive to the low confidence level. Burch teaches, "The low confidence data is typically re-keyed into the system manually."(Abstract, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning,

Bull, Lorie, and Strub with the teachings of Burch to include a corrective action in response to a low confidence level with the motivation to provide for more accurate results.

In regards to claim 12, Browning, Bull, Strub and Burch teach all the limitations of claim 10. Burch further teaches a method for corrective action that comprises presenting the data to a second operator. (i.e. "If they do not match, a second operator inputs additional data manually.", Abstract, Line 20)

Claim 35 is in the same context as claim 11; therefore it is rejected under similar rationale.

Claim 36 is in the same context as claim 12; therefore it is rejected under similar rationale.

Claims 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of Graves (US 6454173).

In regards to claim 13, Browning and Bull teach all the limitations of claim 1. Browning and Bull do not teach rejecting the verification of the data when the time duration exceeds a predetermined limit. Graves teaches to "reject said card [i.e. data] when said card verification message is not received within said second predetermined period of time" (Column 10, Line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Browning and Bull with the teaching to Graves to include a method to reject the verification of the data if it exceeds the predetermined time period with the motivation to provide more reliable results.

Claim 37 is in the same context as claim 13; therefore it is rejected under similar rationale.

Claims 14 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629), Bull (US 6735574) and Graves (US 6454173) in view of Burch (US 6295387).

In regards to claim 14, Browning, Bull and ~~Burch~~ Graves teach all the limitations of claim 13. They do not teach the method wherein rejecting the verification comprises passing the data to another operator for verification. Burch teaches that, "If they [data] do not match, a second operator inputs additional data manually.", (Abstract, Line 20). Meaning that if the data from the first operator and the OCR do not match up, a second operator gets the data for verification. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Browning, Bull, Graves with the teaching of Burch to include a method to pass data to another operator with the motivation to provide more reliable results. KK

Claim 38 is in the same context as claim 14; therefore it is rejected under similar rationale.

Claims 15 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of Allen (US 4256953).

In regards to claim 15, Browning and Bull teach all the limitations of claim 1. They do not teach a method wherein measuring the time duration comprises calculating

an average time duration for the operator to process a given quantity of the data and comparing the time duration to the average. Allen teaches a process where "an operator may compare the duration of a just completed step with the average durations of the operator's own previous steps and all operator's previous steps." (Column 1, Line 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning and Bull with the teachings of Allen to include a method of comparing the average time to the duration with the motivation to provide for accurate results.

Claim 39 is in the same context as claim 15; therefore it is rejected under similar rationale.

Claims 16, 24, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of Melville et al. (US 5982555).

In regards to claim 16, Browning and Bull teach all the limitations of claim 1. They do not teach a method for measuring movement of the eye of the operator in viewing the display. Melville teaches that in his invention, "the display can track [i.e. measure] where a viewer is looking, use the viewer's eye as a pointer, and identify the person using the display" (Column 2, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning and Bull with the teaching of Melville and include a method for measuring the movement of the eye for easier navigation of the screen.

Claim 24 is in the same context as claim 16; therefore it is rejected under similar rationale.

Claim 41 is in the same context as claim 16; therefore it is rejected under similar rationale.

Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of Radomsky et al. (US 6600899).

In regards to claim 17, Browning and Bull teach all the limitations of claim 1. They do not teach a method for rejecting the verification of data when the time duration is less than a predetermined limit. Radomsky teaches a method "suppressing any pulse whose time duration is less than a predetermined time period and this constitutes spurious glitches rather than actual data [i.e. data not verified]" (Column 10, Line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning and Bull with the teachings of Radomsky and include a method for rejecting the verification of data when the time duration is less that a predetermined limit with the motivation to provide more accurate results.

Claim 42 is in the same context as claim 17; therefore it is rejected under similar rationale

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Browning (US 6081629) and Bull (US 6735574) in view of Graham et al. (US 6281879).

In regards to claim 40, Browning and Bull teach all the limitations of claim 25. They do not teach a product wherein the instructions cause the computer to measure a time duration of a mouse cursor dwelling substantially on one item on the display by tracking the cursor by means of a tracking device, the tracking device connected electronically to the computer. Graham teaches, "The preferred embodiment of the present invention displays a tool tip when a mouse cursor points to a tool or a tool bar for a sufficient amount of time" (Column 3, Line 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Browning and Bull with the teaching of Graham and include a method for measuring the time duration of a mouse cursor dwelling substantially on one item on the display with the motivation to make the application easier to use (Graham, Column 1, Line 27).

Response to Arguments

Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100